

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF APRIL 30, 2004

(Published May 8, 2004, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
April 30, 2004 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, President Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting held April 16. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269574)

Marshall River Run Project (1424 Marshall St NE): Issuance of tax-exempt Multifamily Housing Development Bonds.

Working Capital Loans: Payment to Cherokee Bank for Slater Publishing and to TCF for Fresh Fanny.

Linden Hills Townhome Project (3824 W 44th St): Loan from 2004 Affordable Housing Trust Fund "Seed Money" Program (Hilton Legacy funds) to Minneapolis Public Housing Authority.

COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS (See Rep):

GRANTS AND SPECIAL PROJECTS (269574.1)

2004 Transit Oriented Development (TOD) Proposals: Approve priority ranked list of projects to be forward to Hennepin County for funding.

COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS and W&M/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (269575)

Parcel D East: Authorize proposal analysis, grant Brighton Development Corp exclusive development rights and negotiate redevelopment contract, establish preliminary planning fund budget, prepare redevelopment plan modification and tax increment plan, extend agreement with Palanisami & Associates, inc. for parking ramp, and direct staff to advertise for ramp bids.

COMMUNITY DEVELOPMENT and W&M/BUDGET:

FINANCE DEPARTMENT (269575.1)

Transfer of two Positions and supporting budgets from CPED to City Attorney.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269576)

Contamination Cleanup Grant: Accept State grant for Karamu West Project.

Target Center: Low bid of Gen-Con for arena diffusers.

Commercial Corridors Revitalization Program: Appropriate year 5 funding and execute contract with Local Initiatives Support Corporation.

Sears Childcare Center at Abbott Northwestern Hospital: Appropriate Empowerment Zone (EZ) funds, execute agreement for administration of EZ funds, and waive RFP requirement.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (269577)

Minneapolis Schools "Second 7.5%" NRP Funds: Internet lab upgrades to Anthony Middle School, Edison High School, Ericsson Community School, Shingle Creek Community School, Sullivan Community School, and Wenonah.

HEALTH AND HUMAN SERVICES:

CIVIL RIGHTS (269578)

Community Summit for People of American Indian Descent: Report on Summit IV held November 13, 2003.

WAY TO GROW INC. (269579)

Way to Grow - Promoting School Readiness in Minneapolis Children: Update presentation.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (269580)

"What If?" Project at School Based Clinic Program: Amend report passed August 8, 2003 to change grant termination date from January 30, 2004 to April 1, 2004.

INTERGOVERNMENTAL RELATIONS:

GRANTS AND SPECIAL PROJECTS (269581)

First Quarter 2004 Report.

INTERGOVERNMENTAL RELATIONS (See Rep):

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (269582)

Proposed legislative changes to NRP law.

PUBLIC SAFETY AND REGULATORY SERVICES:

POLICE DEPARTMENT (269583)

Liquor Licenses in Uptown Area: Report on crime statistics 1999 to present; Calls for service; and Alcohol establishments in Uptown, with date licensed and percentage of food sales.

Performance Evaluations for Police Officers: Employee appraisal form.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

ATTORNEY (269584)

Michael R. Whitelaw v. City of Minneapolis, et al: Approve settlement; and Execute any documents necessary to effectuate settlement.

LICENSES AND CONSUMER SERVICES (269585)

Affairs to Remember (2117 W River Rd): Grant On-Sale Liquor Class A with Sunday Sales License, subject to prohibiting Adult Entertainment.

Licenses: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (269586)

Use of Fire Personnel and Equipment: Authorize City participate in Hennepin County Chiefs Association; and Execute Countywide Joint Cooperative Agreement to make fire personnel, equipment and facilities available to all members of the association cooperatively, on as needed basis.

INSPECTIONS DEPARTMENT (269587)

Parking Ramp Operating Certificate: Ordinance amending Title 5, Chapter 108 of Code relating to Building Code: Parking Ramps, including fee in Director's Fee Schedule, and adjusting fee from \$50 to \$75.

POLICE DEPARTMENT (269588)

Cold Case Homicides: Execute amendment to grant agreement with Minnesota Department of Public Safety, Bureau of Criminal Apprehension, to extend grant period two months to allow Police Investigator to work with BCA to solve old homicide cases.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (269589)

2004 Minneapolis Stormwater Management Program and Annual Report: Receiving public comment and directing staff to respond to questions and issues raised; Comments.

I-35W Municipal consent submittal by MnDOT: Set public hearing on reconstruction plans.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (269590)

City-owned vehicles and equipment: Agreement with Wayne Pike Auction Company for auction services.

City-owned parking ramps: Engineering and Testing Consulting Services Agreement with Walker Parking Consultants.

Police Reserves: Lease at 1811 University Ave NE.

Midtown Greenway: Phase 3 Layout approval.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (269591)

University W Street Renovation, Project 2251 & 9th Ave SE Reconstruction, Project 2995: Order the work to proceed and requesting the Board of Estimate and Taxation to issue and sell assessment bonds.

Solid Waste Consultant Contract: Amend contract with R.W. Beck and Associates for consulting services.

Stormwater Rate Model Implementation Project: Negotiate and execute a contract with Black and Veatch to plan and implement a stormwater utility fee.

West 50th Street (Lyndale Ave S - France Ave S): Execute agreement with Hennepin County for seal coating and signal modifications to create a three-lane street.

Ewing Bicycle and Pedestrian Trail: Accept partial funding from DNR Local Trail Connection Grant Program for trail project; Name Klara Fabry as fiscal agent for the City; Direct Public Works to operate and maintain.

Professional Engineer: Request for Step 7 for position.

Bids: OP #6234 low bid of Lametti & Sons, Inc., for Microtunneling Project; Op #6238 low bid of Gunderson Brothers Cement Contractors and Ti-Zack Concrete for sidewalks, alleys, driveways, curbs and gutters; OP #6245 low bids from Dresser Trap Rock, Inc. and Martin Marietta Aggregates for Bituminous Sealcoating.

WAYS AND MEANS BUDGET:

COORDINATOR (269591.1)

New Central Library Project: Change Management Actions modifying construction certain contracts.

FINANCE DEPARTMENT (269591.2)

Travel Expense Report: 1st Quarter 2004.

PUBLIC WORKS AND ENGINEERING (269591.3)

Nicollet Mall 2005 Operating Budget: Set public hearing.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (269592)

Legal Settlement: Authorize settlement of the claims of Brandon's 923.

BUSINESS INFORMATION SERVICES (269593)

Amendment to Contract with Unisys: Increase contract for additional managed services related to HRIS PeopleSoft upgrade project.

Extension of Master Contracts: Increase contract limits for Third Wave Partnership, Hollstadt & Associates and The Macro Group and extend all master contracts one year.

COMMUNICATIONS (269594)

Broadcast Services for Minneapolis Park Board Meetings: Execute Memorandum of Understanding with the Minneapolis Park and Recreation Board for playback services.

Communications Department Business Plan.

Utility Billing Insert: Authorize insert encouraging the planting of gardens and seeking nominations for Minneapolis Blooms Award.

COORDINATOR (269595)

New Central Library Project: Reject previous bids and accept bid of PCL Construction Services for interiors work.

FINANCE DEPARTMENT (269596)

Workers' Compensation and Employment Services: Contract with Encore Unlimited, LLC and Alpha Review Corporation for preferred provider network, disability case management and bill review.

Refunding of Convention Center Facilities Bonds: Request the Board of Estimate and Taxation to issue General Obligation Convention Center Refunding Bonds.

HUMAN RESOURCES AND ATTORNEY (269597)

Statements of Economic Interest: List of City officials/positions that are subject to filing requirements, authorize the Director of Human Resources to amend the list and direction to report back annually.

PURCHASING (269598)

Bid for Voting Equipment: Accept low bid of Express Messenger Systems, Inc.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (269599)

Appeals:

The Cornerstone Group (re 2848 Pleasant Ave S, 2821 & 2825 Grand Ave S): Appeal for variance & site plan review.

Vacations:

The Cornerstone Group (re 2848 Pleasant Ave S, 2821 & 2825 Grand Ave S): (see Appeals report).

Rezoning:

The Cornerstone Group (re 2848 Pleasant Ave S & 2825 Grand Ave S): (see Appeals report);

Bear Creek Capital (211 & 219 - 10th Ave SE; 918 & 928 University Ave SE);

Ron Nguyen (5841-28th Ave S);

Art Mueller (1015-19 - 15th Ave SE);

Charles Cox, Jr (2605-2nd Ave S).

Zoning Code Text Amendments: Prioritization of staff work on pending amendments.

PLANNING COMMISSION:

DANNA CONSTRUCTION (269600)

Permission to vacate alley between Chicago & Elliot Aves S at 24th St E.

XIONG, HOULY (269601)

Permission to vacate small triangle of land at intersection of Glenwood Av & Cedar Lake Rd, vicinity of Irving Av N.

EAST SIDE NEIGHBORHOOD SERVICES INC (269602)

Permission to vacate a part of Main St NE in the vicinity of previously vacated 18th Av NE & Main St NE.

FILED:

CITY CLERK/SPECIAL PERMITS (269603)

5th St S, 900 (Rose Presents Inc) Van's Warped Tour;

5th Av S, 3625 (Linda Roberts) ponies;

Girard Av N, 3731 (Jill Stefansen) move garage;

Girard Terr, 555 (Sign Solutions) sign;

Nicollet Av, 5401 (Lawrence Sign) sign.

BURKE, KEVIN (269604)

Minneapolis Ethical Practices Board: Finalists for appointment - Honorable Roberta K. Levy, Thomas J. Schumacher, and Dr. Laura M. Reich.

Laughlin, Kathleen (269605)

Critical Parking Permit Fees: Ordinance increasing current permit fees for critical parking permits, prorated permit fees, and change the duration of visitor and service permits to match the duration of the standard permit.

The following reports were signed by Mayor Rybak on May 5, 2004, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee, having held a public hearing to consider issuance of Multifamily Housing Development bonds for the Marshall River Run Project that includes development of 74 rental and 11 ownership housing units at 1424 and 1448 Marshall St, now recommends passage of the accompanying resolution giving preliminary to issue up to \$8,000,000 in tax-exempt Multifamily Housing Development Bonds for said project.

Adopted 4/30/04.

Absent - Johnson Lee.

Resolution 2004R-183, giving preliminary approval to issue up to \$8,000,000 in Multifamily Housing Development Bonds for the Marshall River Run Project, was passed 4/30/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-183

By Goodman

Giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds in one or more series under Minnesota Statutes, Chapter 462C for the purpose of financing a housing program consisting of the acquisition and construction of a multifamily rental housing development for the benefit of Marshall River Run Limited Partnership.

Whereas, the City of Minneapolis, Minnesota (the "City") is authorized, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act") to develop and administer programs to finance one or more multifamily housing developments within its boundaries; and

Whereas, Section 462C.07 of the Act authorizes the City to issue and sell revenue bonds or obligations to finance programs for the multifamily housing developments; and

Whereas, representatives of Marshall River Run Limited Partnership, a Minnesota limited partnership (the "Developer") has requested that the City adopt a multifamily housing development program (the "Program") to provide for the issuance of up to \$8,000,000 of its tax-exempt multifamily housing revenue bonds, in one or more series (the "Bonds") for the purpose of loaning the proceeds thereof to the Developer to finance the acquisition and construction by the Developer of a 74-unit multifamily rental housing development to be located on the west side of Marshall Street, N.E. on the 1400 block in the City (the "Project"); and

Whereas, the Developer has paid and expects to pay certain expenditures (the "Reimbursement Expenditures") in connection with the Project prior to the issuance of indebtedness for the purpose of financing costs associated with the Project on a long-term basis and certain of the proceeds of the Bonds will be used to reimburse the Reimbursement Expenditures;

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City held a public hearing on the Program and proposed issuance of the Bonds after at least 15 days published notice hereof and after submission of the Program to the Metropolitan Council for review and comment; and

Whereas, the Council has been advised by Piper Jaffray & Co., representing the Developer, that on the basis of information available to them, the Project is economically feasible and the Bonds could be successfully issued and sold; and

Whereas, the City has been advised by the Developer that conventional commercial financing is available to pay the capital costs of the Project only on a limited basis and at such high costs of borrowing that the scope of the Project and the economic feasibility of its operations would be significantly affected; and

Whereas, the City shall not be liable on the Bonds, and the Bonds shall not be a debt of the City within the meaning of any state constitutional provision or statutory limitation, and will not constitute or give rise to a charge against the general credit or taxing power of the City or a pecuniary liability of the city, nor shall the Bonds be payable out of any funds or properties other than those provided as security therefore;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Program is hereby approved and adopted by the City.

Be It Further Resolved that the issuance of the Bonds pursuant to the Program in a principal amount not to exceed \$8,000,000 is preliminarily approved.

Be It Further Resolved that the City hereby reserves \$8,000,000 of its 2003 housing revenue bond entitlement authority for the financing of the Project.

Be It Further Resolved that the City hereby makes this declaration for purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations.

Be It Further Resolved that the City hereby declares its official intent to use proceeds of indebtedness to reimburse the Developer for Reimbursement Expenditures, including those expenditures made sixty days prior to adoption of this Resolution.

Be It Further Resolved that the foregoing preliminary approval of the issuance of Bonds shall be subject to final determination by the City of terms and conditions and shall not constitute an irrevocable commitment on the part of the City to issue the Bonds.

Be It Further Resolved that the staff of the Minneapolis Community Planning and Economic Development Department is hereby authorized, in cooperation with bond counsel to take all steps necessary and desirable to proceed to develop the Program and financing therefore.

Adopted 4/30/04.

Absent - Johnson Lee.

Comm Dev - Your Committee, having received a report regarding the default of two capital loans under the City's Working Capital Program, now recommends concurrence with the Community Planning and Economic Development (CPED) staff recommendation to approve a guaranty payment in the amount

of \$24,278.95 to Cherokee Bank for Slater Publishing and a payment in the amount of \$6,289.09 to TCF National Bank for Fresh Fanny.

Adopted 4/30/04.

Absent - Johnson Lee.

Comm Dev - Your Committee, having under consideration a request of the Minneapolis Public Housing Authority (MPHA) for affordable housing funds to support development of the Linden Hills Townhome Project at 3824 W 44th St, now recommends approval of a forgivable loan in an amount up to \$1,000,000 from the 2004 Affordable Housing Trust Fund "Seed Money" Program (Hilton Legacy funds) to the MPHA for said development.

Adopted 4/30/04.

Absent - Johnson Lee.

The **COMMUNITY DEVELOPMENT** and **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following report.

Comm Dev & T&PW - Your Committee, having under consideration the list of projects located within Minneapolis that was submitted to Hennepin County on April 16, 2004 requesting Transit Oriented Development (TOD) Grant funds and having received recommendations from a review committee for priority ranking of said proposals, now recommends that the proper City officers be authorized to forward to Hennepin County the following priority ranking of TOD requests:

Project	Location	TOD Request
Midtown Exchange	2929 Chicago Av S	\$1,000,000
Cedar Riverside LRT Station Improvement Project	Cedar Riverside LRT Station	\$150,000
Franklin Portland Gateway	Franklin & Portland Av	\$500,000
St. Anthony Mill Apartments Phase 2	Chicago Av & 2nd St S	\$300,000
Karamu West	2201/2215 Plymouth & 1245 Penn Av N	\$195,000
Agape Housing & Child Development Center	3012/3014 Emerson Av N	\$486,000
Cedar Lake Midtown Revival Phase 1	Cedar Av & Lake St	\$300,000
Lindquist Apartments	1927/1935 W Broadway	\$300,000
Nicollet Commons Condos	3310/3314 Nicollet Av	\$100,000
Lowell School Site, Phase 2	1900 Willow Av N	\$120,000
Hi-Lake TOD Project	2106/2218 E Lake St	\$200,000

Adopted 4/30/04. Yeas, 11; Nays 1 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Ostrow.

Nays - Schiff.

Absent - Johnson Lee.

Approved by Mayor Rybak 4/30/04.

(Published 5/4/04)

The **COMMUNITY DEVELOPMENT**, **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

Comm Dev, T&PW & W&M/Budget - Your Committee, having under consideration Parcel D East (located between Washington Av S and 2nd St S and Park Av S and Chicago Av S) and a proposal that includes a public parking ramp, the St. Anthony Mills Apartments project and Park Avenue East Lofts project, now recommends:

- a) That the proper City staff be authorized to continue analysis of the Parcel D East proposal;
- b) Granting Brighton Development Corporation or its assigns exclusive development rights for portions of Parcel D East (St. Anthony Mill 1 & 2/Park Avenue East Lofts) for 12 months;
- c) Establishment of a Preliminary Planning Fund budget in the amount of \$50,000;
- d) Negotiation of terms and conditions of two redevelopment contracts with Brighton Development Corporation or its assigns;
- e) Preparation of a redevelopment plan modification and tax increment financing plans for said project;
- f) Authorization for the extension of the Minneapolis Community Development Agency (MCDA) contract with Palanisami & Associates, Inc. for parking ramp design and inspection in an amount not to exceed \$384,000; and
- g) That Public Works staff be directed to advertise for ramp bids as soon as possible.

Adopted 4/30/04.

Absent - Johnson Lee.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committee submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration the Karamu West Project on Plymouth and Penn Av N, now recommends:

- a) Acceptance of a Minnesota Department of Employment and Economic Development Contamination Cleanup Grant (#CCGP-0300-0020-Z-FY04) in the amount of \$262,500 for the Karumu West project;
- b) Passage of the accompanying resolution increasing the appropriation in the CPED Agency to reflect the receipt of said grant funds;
- c) That the proper City officers be authorized to execute the appropriate grant and subrecipient agreements.

Adopted 4/30/04.

Absent - Johnson Lee.

RESOLUTION 2004R-184
By Goodman and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the State and Local Grants Fund (SMN-890-8952) by \$262,500 and increasing the revenue source (SMN-890-8490 - Source 3215-13) by \$262,500.

Adopted 4/30/04.

Absent - Johnson Lee.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low responsive bid received on OP #6235 of Gen-Con Construction in the amount of \$285,000 to furnish and deliver all labor, materials, equipment and incidentals necessary to complete construction of arena diffusers at the Target Center, all in accordance with City specifications (Petn No 269576); and further that the proper City officers be authorized to execute a contract for said project also in accordance with specifications.

Adopted 4/30/04.

Absent - Johnson Lee.

Comm Dev & W&M/Budget - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of \$459,130 of Minneapolis Schools "Second 7.5%" NRP funds for computer lab updates at six schools, now recommends:

a) Approval of the use of \$459,130 of said funds to support Internet Lab upgrades in the following schools:

- \$80,478 to Anthony Middle School in the Kenny neighborhood;
- \$152,004 to Edison High School in the Holland neighborhood;
- \$28,960 to Ericsson Community School in the Standish Ericsson neighborhood;
- \$46,522 to Shingle Creek Community School in the Shingle Creek neighborhood;
- \$103,706 to Sullivan Community School in the Longfellow neighborhood;
- \$47,460 to Wenonah Community School in the Nokomis East neighborhood;

b) Passage of the accompanying resolution increasing the appropriation in the NRP Program Fund;
and

c) That the proper City officers be authorized to execute any contracts or agreements needed to implement said updates.

Adopted 4/30/04.

Absent - Johnson Lee.

RESOLUTION 2004R-185
By Goodman and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the CPED Agency in the NRP Program Fund (CNR0) by \$459,130 from fund balance.

Adopted 4/30/04.

Absent - Johnson Lee.

Comm Dev & W&M/Budget - Your Committee, having received an update on the Local Initiatives Support Corporation (LISC) Commercial Corridors Revitalization Program (CCRP), now recommends that Year Five program funding in the amount of \$100,000 be appropriated to the Community Planning & Economic Development (CPED) Department by passage of the accompanying resolution increasing the CPED appropriation; and that the proper City officers be authorized to execute a contract for consulting services with LISC for a term of May 1, 2004 through April 30, 2005.

Adopted 4/30/04.

Absent - Johnson Lee.

RESOLUTION 2004R-186
By Goodman and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Community Development Levy Fund (SCD0-890) by \$100,000 from fund balance.

Adopted 4/30/04.

Absent - Johnson Lee.

Comm Dev & W&M/Budget - Your Committee, having been informed that Empowerment Zone (EZ) Governance Board has approved funding in the amount of \$1,000,000 to assist with the development of a childcare business development center at Abbott Northwestern Hospital that will be operated by the YWCA, now recommends:

a) Passage of the accompanying resolution providing for the transfer of EZ funds to make them available for the childcare project;

b) That the proper City officers be authorized to execute an agreement within the Community Planning and Economic Development (CPED) Department setting forth the terms and conditions of administering federal EZ funds for said childcare project; and

c) Approval of a waiver of the City's current policy that would require a request for proposals process.
Adopted 4/30/04.

Absent - Johnson Lee.

RESOLUTION 2004R-187
By Goodman and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) By decreasing the appropriation for the CPED Agency in the Grants - Federal Fund (0300-890-8942) by \$379,000;

b) By increasing the appropriation for the Interfund Transfer Agency in the Grants - Federal Funds (0300-127-FE2T-9001) by \$379,000 for the Abbott Northwestern Childcare Project,

c) By increasing the appropriation for the CPED Agency in the Empowerment Zone Fund (FEZ0) by \$379,000 and increasing the revenue source (FEZ0-890 - Source 3820) by \$379,000.

Adopted 4/30/04.

Absent - Johnson Lee.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

H&HS & W&M/Budget - Your Committee recommends that report passed August 8, 2003 accepting a grant award of \$9,300 from The Sheltering Arms Foundation, via Fremont Community Health Services, to conduct focus groups of young men at the School Based Clinics as part of the "What If?" Program be amended to extend the project termination date from January 30, 2004 to April 1, 2004.

Adopted 4/30/04.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

IGR - Your Committee, having under consideration the Neighborhood Revitalization Program (NRP) Policy Board's proposed legislative changes to Minnesota Statutes 469.1831 (NRP law) relating to contract administration and implementation activities, now recommends:

a) That the City oppose the proposed changes to the NRP legislation;

b) That the City will consider any concerns raised by the NRP Policy Board in conjunction with the presentation of NRP's Business Plan; and

c) That the NRP Executive Director, Chair of the NRP Policy Board or any other member of the Policy Board engage in discussions with the Intergovernmental Relations Committee prior to introduction of a bill or other legislation that would effect those changes so that the City Council and members of the public can be informed about proposed changes, and comment on them.

Adopted 4/30/04.

Absent - Johnson Lee.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of Twin City Catering Inc, dba Affairs to Remember, 2117 W River Rd, Suite 100, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire January 1, 2005, now recommends that said license be granted, subject to the following conditions:

a. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching and other similar types of activities. Violation of the terms of this condition shall provide a basis for revocation of the City's consent for the licensee to operation the Class A Liquor License.

b. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/30/04.

Absent - Johnson Lee.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 4/30/04.

Absent - Johnson Lee.

Resolution 2004R-188, granting Liquor, Wine and Beer Licenses, was passed 4/30/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-188

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

Off-Sale Liquor, to expire April 1, 2005

John Wolf Enterprises Inc, dba Chicago Lake Liquor Store, 825 E Lake St;

South Lyndale Liquors Inc, dba South Lyndale Liquor, 5300 Lyndale Av S;

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2005

Committee Inc, dba First Avenue, 29 N 7th St, two floors;

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2005

Classic Affairs Inc, dba Schieks Palace Royale, 115 S 4th St;

Rooftop Inc, dba Marshall Fields 12th Floor, 700 Nicollet Mall, 12th Floor;

Kelber Catering Inc, dba Kelber Catering Inc, 1301 2nd Av S;

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2004

Aramark Food Service Corporation, dba Target Center, 600 1st Av N;

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2005

Dinkytowner Inc, dba Dinkytowner Cafe, 412 14th Av SE;

T K K Inc, dba Knight Cap, 1500 4th St NE;

Tubby's Inc, dba Tubby's Bar and Grill, 2500 4th St NE;

Lake & Hennepin BBQ and Blues Inc, dba Famous Dave's BBQ & Blues, 3001 Hennepin Av #G-109;

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2004

Restaurant Entertainment Group Inc, dba Rosen's/The District, 430 1st Av N;

On-Sale Liquor Class B with Sunday Sales, to expire April 24, 2004

Campus Partners Inc, dba Sally's Saloon & Eatery, 712 Washington Av SE (temporary expansion of premises with outdoor entertainment, April 24, 2004, 3:00 p.m. to 10:00 p.m.);

On-Sale Liquor Class B with Sunday Sales, to expire May 8, 2004

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE (temporary expansion of premises with outdoor entertainment, April 30; May 1, 7 & 8, 2004, 5:00 p.m. to 11:00 p.m. for Mayfest);

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2005

McTeague Enterprises Inc, dba Five Corners Saloon, 501 Cedar Av S;
Rooftop Inc, dba Marshall Field's Marketplace, 1070 Nicollet Mall;
Rudolph's Bar B Que Inc, dba Rudolphs Bar B Que, 1933 Lyndale Av S;

On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2004

D'Amico Catering LLC, dba Cafe Lurcat/Bar Lurcat, 1624 Harmon Pl;

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2005

Historic Theatre Group Ltd, dba Historic Orpheum Theatre, 910 Hennepin Av;

On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2005

Joe's Garage Inc, dba Joe's Garage, 1610 Harmon Pl (upgrade from Class E);
Machu Picchu Inc, dba Machu Picchu Inc, 2940 Lyndale Av S;

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2005

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 50 S 6th St;
Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 225 E Hennepin Av;
Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 229 Cedar Av S;
Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 800 Washington Av SE;
Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 1040 Nicollet Mall;
Ariza Enterprises LLC, dba Salsa A La Salsa Mexican Grill, 1420 Nicollet Mall;
Azia Inc, dba Azia, 2550 Nicollet Av;
Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 2600 Hennepin Av;
Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 3040 Excelsior Blvd;

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2005

Green Mill Enterprises Inc, dba Green Mill Too, 2626 Hennepin Av (new shareholder/partner, new manager);

Jetset Inc, dba Jetset Bar, 115 1st St N;

Harrison Restaurant Holdings Inc, dba Sawatdee Bar & Cafe, 118 4th St N;

Sawatdee Inc, dba Sawatdee Restaurant, 607 Washington Av S;

Manny's Steak House Inc, dba Manny's, 1300 Nicollet Mall, Hyatt Regency;

Nokomis Bowling Company, dba Nokomis Lanes, 4040 Bloomington Av;

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2004

Restaurants Unlimited Inc, dba Palomino, 825 Hennepin Av;

On-Sale Liquor Class E, to expire April 1, 2005

Bev's Inc, dba Bev's Wine Bar, 250 3rd Av N;

Temporary On-Sale Liquor

De LaSalle High School, dba De LaSalle High School, 1 De LaSalle Dr;

On-Sale Wine Class A with Strong Beer, to expire April 1, 2005

Minnesota S T A R Inc, dba Cedar Cultural Centre, 416 Cedar Av S;

Brave New Institute, dba Brave New Workshop, 2605 Hennepin Av;

On-Sale Wine Class C-1 with Strong Beer, to expire April 1, 2005

Coffee Time Inc, dba Wilde Roast Cafe, 518 E Hennepin Av;

K & K Hospitality LLC, dba Erte, 1304 University Av NE;

Raising the Bar LLC, dba Zeno Coffee and Dessert Bar, 2919 Hennepin Av;

On-Sale Wine Class E with Strong Beer, to expire April 1, 2005

Alma Tierra Inc, dba Alma, 528 University Av SE;

D'Amico & Sons LLC, dba D'Amico & Sons, 555 Nicollet Mall;

The Noodle Shop Co Minnesota Inc, dba Noodles & Company, 616 Washington Av SE;

Rooftop Inc a Minnesota Corp, dba Marshall Fields 700 Express, 700 Nicollet Mall;

Guayaquil Restaurant Inc, dba Guayaquil Restaurant, 1526 E Lake St;

SID Minneapolis LLC, dba Sidneys Restaurant, 2120 Hennepin Av;

D'Amico & Sons LLC, dba D'Amico & Sons, 2210 Hennepin Av;

KPL Inc, dba Soba's, 2558 Lyndale Av S;

HJH Inc, dba Sawatdee Uptown, 2650 Hennepin Av;

Manny's Tortas LLC, dba Manny's Tortas, 2700 E Lake St;

John & Midori Flomer, dba Floating World Cafe, 3011 27th Av S;

Noodle Shop Company Minnesota Inc, dba Noodles & Company, 3040 Excelsior Blvd;
Civitali Restaurant Corp, dba Punch Neapolitan Pizza, 3226 W Lake St;
Taqueria Don Blas Inc, dba Taco Blass, 3722 Chicago Av;
Taqueria Don Blass Inc, dba Taco Blass, 3765 Nicollet Av;
Minnehaha Falls Corporation, dba Pearson's Edina Restaurant, 3808 W 50th St;

Off-Sale Beer, to expire April 1, 2005

C-Gas Stop Inc, dba Penn Gas Stop, 2606 Penn Av N (new proprietor);
Diamond Lake Inc, dba Sullivan's Super Valu, 30 W Lake St;
Dawood Lalji Inc, dba Centre Village Shop, 700 5th Av S;
Rans Inc, dba Handy Stop, 700 Lowry Av NE;
Tekle-Ab Samuel, dba Sam's Food Mart, 901 W 36th St;
Stephen & Robert Williams, dba Bobby & Steve's Autoworld II, 1221 Washington Av S;
Bauers Food Market Inc, dba City Market, 1240 Hennepin Av;
All Stop Inc, dba Full Stop, 1818 Lowry Av N;
Holiday Stationstores Inc, dba Holiday Stationstore #2, 2124 E Franklin Av;
Hammad Food Inc, dba More Valu Food, 2600 Cedar Av S;
WS North Star Market Inc, dba Nokomis Market, 3319 E 54th St;
Holiday Stationstores Inc, dba Holiday Stationstore #25, 5444 Nicollet Av;
Dens-Light Inc, dba Big Stop, 1800 26th Av N;

On-Sale Beer Class D, to expire April 1, 2005

Sanmar Inc, dba Roundup Beer Hall, 201 E Lake St;

On-Sale Beer Class E, to expire April 1, 2005

W J Associates Inc, dba Joe's Tavern, 107 E 26th St;
Shuang Cheng Inc, dba Shuang Cheng Restaurant, 1320 4th St SE;
Captains Choice Inc, dba Commodore, 2500 Bloomington Av;
Kinhdo Plus Corporation, dba Kinhdo Restaurant, 2755 Hennepin Av;
Lemanczik Enterprises Inc, dba T-Shoppe Bar, 4154 Fremont Av N;
Thomas Rosen Inc, dba Cedar Inn, 4155 Cedar Av S;
Dennis Schuldt, dba Lake Inn, 4204 28th Av S;
John-Fred Co Inc, dba Sunrise Inn, 4563 34th Av S;

Temporary On-Sale Beer

Minneapolis Downtown Council, dba Rally Minnesota Timberwolves, 81 S 9th St (April 17th or 18th, 2004, time to be determined; location: 6th St N between Hennepin & 1st Aves N).

Adopted 4/30/04.

Absent - Johnson Lee.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 4/30/04.

Absent - Johnson Lee.

Resolution 2004R-189, granting applications for Business Licenses, was passed 4/30/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-189

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of April 30, 2004 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 269585):

Amusement Devices; Bowling Alley; Bowling, Pool & Billiard All Night Special; Car Wash; Dance Hall; Dancing School; Laundry; Place of Entertainment; All Night Special Food; Caterers; Confectionery; Food Distributor; Grocery; Ice Producer - Dealer/Wholesale; Indoor Food Cart; Food Manufacturer; Meat Market; Drive In - Restricted; Restaurant; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Wholesale Sausage Manufacturer & Distributor; Gasfitter Class A; Heating, Air Conditioning & Ventilating Class A; Lodging House with Boarding; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Pet Shop; Plumber; Residential Specialty Contractor; Secondhand Goods Class B; Steam & Hot Water Systems Installer; Swimming Pool - Public; Taxicab Vehicle; Theater Zone I; Tobacco Dealer; Combined Trades; and Wrecker of Buildings Class A.

Adopted 4/30/04.

Absent - Johnson Lee.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 4/30/04.

Absent - Johnson Lee.

Resolution 2004R-190, granting applications for Gambling Licenses, was passed 4/30/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-190

By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Lawful Exempt

Minneapolis Society of Fine Arts, dba Minneapolis Society of Fine Arts, 2400 3rd Av S (Raffle May 2, 2004);

Minnesota Orchestral Association, dba Minnesota Orchestral Association, 1111 Nicollet Mall (Raffle June 5, 2004 at Minneapolis Hilton and Towers, 1001 Marquette Av);

St. Cyril & Methodius Church, dba St. Cyril & Methodius Church, 1315 2nd St NE (Bingo, Raffle, Paddlewheel & Pulltabs June 27, 2004);

St. Cyril & Methodius Church, dba St. Cyril & Methodius Catholic Church, 1315 2nd St NE (Bingo, Raffle, Paddlewheel & Pulltabs August 15, 2004);

Jewish Family and Childrens Service of Minneapolis, dba Jewish Family and Childrens Service of Minneapolis, 13100 Wayzata Blvd, Minnetonka (Raffle December 4, 2004 at Convention Center, 1301 2nd Av S);

Breck School, dba Breck School, 123 Ottawa Av N (Raffle April 17, 2004 at Minneapolis Depot, 300 Washington Av S).

Adopted 4/30/04.

Absent - Johnson Lee.

PS&RS - Your Committee, to whom was referred an ordinance amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees*, adding license fees for Food Market

Manufacturer, Food Market Distributor, Municipal Market, and Public Market, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/30/04.

Absent - Johnson Lee.

Ordinance 2004-Or-046 amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees*, adding license fees for Food Market Manufacturer, Food Market Distributor, Municipal Market, and Public Market, was passed 4/30/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-046
By Niziolek
Intro & 1st Reading: 4/2/04
Ref to: PS&RS
2nd Reading: 4/30/04

Amending Appendix J of the Minneapolis Code of Ordinances relating to License Fees.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Appendix J of the above-entitled ordinance be amended by adding the following fee schedules in alphabetical sequence to read as follows:

APPENDIX J License Fees Schedule			
LICENSE	ORDINANCE	2003 FEE	2004 FEE
FOOD ESTABLISHMENT			
Plan review fees-remodel			
Risk 2 establishments			
1,000 sq ft or less	188.370	\$100.00	\$187.00
1,001 – 3,000 sq ft	188.370	\$150.00	\$262.00
3,001 – 5,000 sq ft	188.370	\$150.00	\$337.00
5,001 – 7,000 sq ft	188.370	\$200.00	\$412.00
Risk 3 establishments			
1,000 sq ft or less	188.370	\$100.00	\$112.00
1,001 – 3,000 sq ft	188.370	\$150.00	\$187.00
3,001 – 5,000 sq ft	188.370	\$150.00	\$225.00
5,001 – 7,000 sq ft	188.370	\$200.00	\$300.00
<u>Food Market Manufacturer</u>	<u>186.50</u>	<u>New</u>	<u>\$150.00</u>
<u>Food Market Manufacturer</u>			
<u>Plan Review</u>	<u>201.70</u>	<u>New</u>	<u>\$50.00</u>
<u>Food Market Distributor</u>	<u>186.50</u>	<u>New</u>	<u>\$150.00</u>
<u>Food Market Distributor</u>			
<u>Plan Review</u>	<u>201.70</u>	<u>New</u>	<u>\$50.00</u>
Food Shelf	188.250	\$1.00	\$1.00
Food Vehicle Inspection	232.30	\$51.00	\$53.00
	190.130	\$51.00	\$53.00
	188.310	\$51.00	\$53.00
Motor Vehicle Used Parts Dealer	348.30	\$520.00	\$536.00
Each Add'l Lot	348.30	\$48.00	\$49.00
<u>Municipal Market</u>	<u>202.10</u>	<u>New</u>	<u>\$150.00</u>
<u>Municipal Market Plan Review</u>	<u>201.60 (1)</u>	<u>New</u>	<u>\$50.00</u>
Oil Burner Installer	278.240	\$220.00	\$227.00
Precious Metal Dealer	322.50	\$374.00	\$385.00

<u>Public Market</u>	<u>201.10</u>	<u>New</u>	<u>\$150.00</u>
<u>Public Market Plan Review</u>	<u>201.60 (1)</u>	<u>New</u>	<u>\$50.00</u>
Recycling/Salvage	350.40	\$771.00	\$794.00
Additional Yard	350.40	\$275.00	\$283.00

Adopted 4/30/04.

Absent - Johnson Lee.

PS&RS - Your Committee recommends concurrence with the recommendation of the City Attorney to approve the following settlement in the matter of *Michael R. Whitelaw vs. City of Minneapolis, et al.*, and that the proper City Officers be authorized to execute any documents necessary to effectuate the settlement:

a. the City agrees to seal certain documents from the GARDAR investigation which relate to the Plaintiff, in that the documents may be considered erroneous or incomplete under Minnesota Statutes Section 13.04, Subdivision 4 (Minnesota Government Data Practices Act).

b. a notification will be placed in the City's GARDAR file which states that certain documents are under seal in the Office of the Minneapolis City Attorney. Any person wishing to view those documents must apply for access, in which case, the City Attorney's Office will notify the Plaintiff.

c. the City acknowledges that, as of the date of settlement of this case, it does not have any information regarding Plaintiff which would make him ineligible to hold a liquor license in the City.

d. plaintiff agrees that, should he desire to become a liquor licensee, he would submit fully to the application process then in effect in the City, and that nothing contained in the Settlement Agreement of this matter would entitle him to the automatic granting of any license in the City.

e. the City agrees that the conditions attached to the liquor license issued to Drink, Inc, (December 30, 2002) which relate to the Plaintiff are null and void.

Adopted 4/30/04.

Absent - Johnson Lee.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 5, Chapter 108 of the Minneapolis Code of Ordinances relating to *Building Code: Parking Ramps*, including the fee for a parking ramp operating certificate in the Director's fee schedule, and adjusting the fee from \$50 to \$75, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/30/04.

Absent - Johnson Lee.

Ordinance 2004-Or-047 amending Title 5, Chapter 108 of the Minneapolis Code of Ordinances relating to *Building Code: Parking Ramps*, amending Section 108.30 to include the fee for a parking ramp operating certificate in the Director's fee schedule, and adjusting the fee from \$50 to \$75, was passed 4/30/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-047
By Niziolek
Intro & 1st Reading: 4/2/04
Ref to: PS&RS
2nd Reading: 4/30/04

Amending Title 5, Chapter 108 of the Minneapolis Code of Ordinances relating to Building Code: Parking Ramps.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 108.30 of the above-entitled ordinance be amended to read as follows:

108.30. Application for certificate; fee established. The fee for a parking ramp operating certificate shall be ~~fifty dollars (\$50.00)~~ as established in the director's fee schedule pursuant to Chapter 91, Section 91.70. Application for a parking ramp operating certificate shall be filed with the department on forms provided by the department. The application shall contain the name, business address and telephone number of the owner of the ramp; the address of the parking ramp; the number of parking spaces; the year in which the ramp was constructed; and such other information as the director may require. The application shall also state the name, address and telephone number of the person or firm which operates the parking ramp, if different from the owner.

Adopted 4/30/04.

Absent - Johnson Lee.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to participate in the Hennepin County Chiefs Association and execute a Countywide Joint Cooperative Agreement, through the Hennepin County Chiefs Association, for the purpose of making fire equipment, personnel and facilities available to all members of the association cooperatively, on an as needed basis.

Adopted 4/30/04.

Absent - Johnson Lee.

PS&RS & W&M/Budget - Your Committee, having received a \$40,000 grant award to reimburse the City for a Police Department Homicide Investigator to work with the State Bureau of Criminal Apprehension (BCA) to solve and prosecute old homicide cases throughout the State, now recommends that the proper City Officers be authorized to execute an amendment to the grant agreement with the Minnesota Department of Public Safety to extend the grant period an additional two months to permit full expenditure of the awarded grant funds.

Adopted 4/30/04.

Absent - Johnson Lee.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee recommends that the proper City officers be authorized to negotiate and execute a one-year contract with Wayne Pike Auction Company with the option to extend annually until 2007 for auction services for the sale of used City-owned vehicles and equipment for a commission fee not to exceed \$75,000 per year. The funding is available within the division's current budget.

Adopted 4/30/04.

Absent - Johnson Lee.

T&PW - Your Committee recommends that the proper City officers be authorized to negotiate and execute an Engineering and Testing Consulting Services Agreement with Walker Parking Consultants for City-owned parking ramps in the amount of \$70,000 per year, with the option to extend annually until 2008. The funding is available within the current budget.

Adopted 4/30/04.

Absent - Johnson Lee.

T&PW - Your Committee recommends that the proper City officers be authorized to approve a three-year lease, as described in Petn No 269590, at 1811 University Avenue NE for the Police Reserves Unit.

Adopted 4/30/04.

Absent - Johnson Lee.

T&PW - Your Committee recommends approval of the layout for Phase 3 of the Midtown Greenway that extends from Hiawatha Avenue to the Mississippi River via the Canadian Pacific Railway Corridor and is scheduled for construction in 2005.

Your Committee further recommends that the cross walks, as presented, (Petr No. 269590) be provided and maintained by the City.

Your Committee further recommends that the Brackett Park access ramp be conditional upon receipt of funds as previously committed by the Longfellow Neighborhood Revitalization Program (NRP).

Schiff moved that the report be amended by striking the third paragraph. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/30/04.

Absent - Johnson Lee.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the University West Street Renovation, Project 2251, & 9th Avenue SE Reconstruction, Project 2995, now recommends:

a) Passage of a Resolution ordering the City Engineer to proceed and do the work and adopting the special assessments in the total amount of \$447,798.93 for the University W Street Renovation Project;

b) Passage of a Resolution ordering the City Engineer to proceed and do the work and adopting the special assessments in the total amount of \$43,105.58 for the 9th Avenue SE Reconstruction Project;

c) Passage of a Resolution requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$447,800 for the University W Street Renovation Project; and

d) Passage of a Resolution requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$43,100 for the 9th Avenue SE Reconstruction Project.

Adopted 4/30/04. Yeas, 11; Nays, 1 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Ostrow.

Nays - Schiff

Absent - Johnson Lee.

Resolution 2004R-191 ordering the work to proceed and adopting the special assessments for the University West Street Renovation Project, was passed 4/30/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-191
By Colvin Roy and Johnson

University West Street Renovation Project
Special Improvement of Existing Street No. 2251

Ordering the work to proceed and adopting the special assessments for the University West Street Renovation Project.

Whereas, a public hearing was held on April 20, 2004, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2004R-100, passed March 19, 2004 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2004R-100, passed March 19, 2004.

Be It Further Resolved that the proposed special assessments in the total amount of \$447,798.93 for the University West Street Renovation Project, as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the University West Street Renovation Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at ten (10) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2005 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2005 real estate tax statements.

Adopted 4/30/04. Yeas, 11; Nays, 1 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Ostrow.

Nays - Schiff

Absent - Johnson Lee.

Resolution 2004R-192 Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$447,800 for the University West Street Renovation Project, was passed 4/30/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-192
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$447,800 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the University West Street Renovation Project, Special Improvement of Existing Street No. 2251, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/30/04. Yeas, 11; Nays, 1 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Ostrow.

Nays - Schiff

Absent - Johnson Lee.

Resolution 2004R-193 ordering the work to proceed and adopting the special assessments for the 9th Avenue SE Reconstruction Project, was passed 4/30/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-193
By Colvin Roy and Johnson

9th Avenue SE Reconstruction Project
Special Improvement of Existing Street No. 2995

Ordering the work to proceed and adopting the special assessments for the 9th Avenue SE Reconstruction Project.

Whereas, a public hearing was held on April 20, 2004, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2004R-100, passed March 19, 2004 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2004R-100, passed March 19, 2004.

Be It Further Resolved that the proposed special assessments in the total amount of \$43,105.58 for the 9th Avenue SE Reconstruction Project, as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the 9th Avenue SE Reconstruction Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2005 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2005 real estate tax statements.

Adopted 4/30/04. Yeas, 11; Nays, 1 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Ostrow.

Nays - Schiff

Absent - Johnson Lee.

Resolution 2004R-194 requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$43,100 for the 9th Avenue SE Reconstruction Project, was passed 4/30/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-194
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$43,100 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the 9th

Avenue SE Reconstruction Project, Special Improvement of Existing Street No. 2995, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/30/04. Yeas, 11; Nays, 1 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Ostrow.

Nays - Schiff

Absent - Johnson Lee.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be directed to increase the amount of the Solid Waste Consultant Contract with R.W. Beck and Associates by \$25,000 for a revised contract amount not to exceed \$75,000 for consulting services. The funding is available within the existing budget.

Adopted 4/30/04.

Absent - Johnson Lee.

T&PW & W&M/Budget - Your Committee recommends the proper City officers be directed to negotiate and execute a contract for the Stormwater Rate Model Implementation Project with the selected vendor, Black and Veatch, to plan and implement a Stormwater utility fee. The funding is available within the current Sewer Fund Budget.

Adopted 4/30/04.

Absent - Johnson Lee.

T&PW & W&M/Budget - Your Committee, having under consideration West 50th Street, between Lyndale and France Avenues South, now recommends that the proper City officers execute an agreement with Hennepin County in the amount of \$112,728 for seal coating and signal modifications to create a three-lane street.

Your Committee further recommends passage of the accompanying Resolution appropriating \$112,728 to the Public Works - Transportation Capital Agency to reflect the receipt of funds from Hennepin County.

Adopted 4/30/04.

Absent - Johnson Lee.

RESOLUTION 2004R-195
By Colvin Roy and Johnson

Amending The 2004 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the PW - Transportation Capital Agency in the Permanent Improvement Fund (4100-943-9440) by \$112,728 and increasing revenue source (4100-943-9449 - Source 3220) by \$112,728.

Adopted 4/30/04.

Absent - Johnson Lee.

T&PW & W&M/Budget - Your Committee, having under consideration the Ewing Bicycle and Pedestrian Trail, now recommends passage of the following resolution:

a) Accepting \$50,000 from the DNR Local Trail Connection Grant Program as partial funding for the Ewing Bicycle and Pedestrian Trail Project;

b) Naming the Director of Public Works, Klara Fabry, as the fiscal agent for the City of Minneapolis; and

c) Directing the Public Works Department to operate and maintain this trail facility for a period of at least 20 years.

Adopted 4/30/04.

Absent - Johnson Lee.

Resolution 2004R-196 accepting funding, naming the local government fiscal agent, and maintaining the Ewing Bicycle/Pedestrian Trail, was passed 4/30/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-196
By Colvin Roy and Johnson

Accepting funding, naming the local government fiscal agent, and maintaining the Ewing Bicycle/Pedestrian Trail.

Whereas, the Ewing Bicycle/Pedestrian Trail project provides a safe and convenient connection between the Cedar Lake Trail Regional Trail and France Av. S; and

Whereas, the Ewing Bicycle/Pedestrian Trail project is partnership between the City of Minneapolis, Hennepin County, and the Department of Natural Resources; and

Whereas, the Ewing Bicycle/Pedestrian Trail project is being funded in part by DNR Local Trail Connections Grant Program funds totaling \$50,000; and

Whereas, Hennepin County is providing the \$50,000 construction match per the approved cost participation agreement between the City of Minneapolis and Hennepin County; and

Whereas, the City of Minneapolis is required to fund the design costs totaling \$25,000, manage project construction, and maintain the trail facility for its useful life; and

Whereas, a requirement of the DNR Local Trail Connections Grant Program is a local resolution to accept funding for the project, to name the local government fiscal agent for the project, and to assure that the facility will be maintained and in existence for no less than 20 years;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis accept \$50,000 from the DNR Local Trail Connection Grant Program as partial funding for this trail project to be deposited to 4100/943/9470 project #A7019030.

Be It Further Resolved that Klara Fabry, Director of Public Works, be named as the City of Minneapolis fiscal agent for this project.

Be It Further Resolved that Public Works be directed to operate and maintain this trail facility for a period of at least 20 years.

Adopted 4/30/04.

Absent - Johnson Lee.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers of the Public Works Department be authorized offer up to step seven on the pay scale for a vacant Professional Engineer position.

Adopted 4/30/04.

Absent - Johnson Lee.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving bids submitted to the Public Works Department, all in accordance with City specifications.

Adopted 4/30/04.

Absent - Johnson Lee.

Resolution 2004R-197 granting approval of the bids for microntunneling, construction of sidewalks, alleys, driveways, curbs and gutters, and bituminous sealcoating, was passed 4/30/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-197
By Colvin Roy and Johnson

Granting approval of the bids for projects and/or services for the City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City officers be authorized to execute contracts for the projects and/or services in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petr. No. 269591)

- a) OP # 6234, Accept low bid of Lametti & Sons, Inc. in the amount of \$3,453,720.00 for Microtunneling Project;
- b) OP #6238, Accept low bids for construction of sidewalks, alleys, driveways, curb and gutters
 - Gunderson Brothers Cement Contractors Company, Inc. for \$1,238,033.70
 - Ti-Zack Concrete, Inc. for estimated expenditure of \$779,604.50;
- c) OP #6245, Accept low responsive bids for Class A Aggregate for Bituminous Sealcoating
 - Dresser Trap Rock, Inc. for an estimated expenditure of \$10,500.00
 - Martin Marietta Aggregates for an estimated expenditure of \$92,000.00.

Adopted 4/30/04.

Absent - Johnson Lee.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney to approve settlement of all claims filed by Brandon's 923, Inc. for the seizure of property on December 12, 2001, by payment in the amount of \$16,500, payable to Brandon's 923, Inc. and their attorney, William L. Lucas, and that the proper City officers be authorized to execute any documents necessary to effectuate the settlement and release of claims.

Adopted 4/30/04.

W&M/Budget - Your Committee, having under consideration bids for interior work at the New Central Library Project, now recommends:

- a) Concurrence with the staff recommendation that all bids received on OP #6216 (Bid Package #6, Contract #14 - Interiors) be rejected;
- b) Acceptance of the base bid, Alternative Bid No. 14.02 and Alternate Bid No. 14.04, received from PCL Construction Services, Inc. for interiors construction indicated in the plans and specifications under OP #6260, including furnishing and delivering all labor, material, equipment, and incidentals necessary to accomplish the work of Contract #14, Interiors, all in accordance with plans and specifications (Petr No 269595) and that the proper City officers be authorized to execute a contract for said services.

Adopted 4/30/04.

Approved by Mayor Rybak 4/30/04.

(Published 5/4/04)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a contract with Encore Unlimited and Alpha Review Corporation for Workers' Compensation and Employment Services for the use and coordination of a preferred provider network, disability case management services and bill review function, with a yearly expenditure in administrative fees not to exceed \$102,000.

Adopted 4/30/04.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Finance Officer that the April 1993 Convention Center Facilities Bonds be refunded to capture debt service savings by passage of the accompanying resolution requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis General Obligation Convention Center Refunding Bonds in an amount not to exceed \$60,000,000.

Adopted 4/30/04.

Resolution 2004R-198, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis General Obligation Convention Center Refunding Bonds in the amount of \$60,000,000, was passed 4/30/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-198

By Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis General Obligation Refunding Bonds in an amount not to exceed \$60,000,000 for certain purposes other than the purchase of public utilities to refund outstanding Convention Center Facilities Bonds meeting the savings test of Minnesota Statutes, Section 475.67, Subd 3 and 12.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation is requested to incur indebtedness, issue and sell City of Minneapolis General Obligation bonds pursuant to Section 475.67 of Minnesota Statutes and the City Charter to refund in advance of maturity any of the outstanding maturities of the following issues:

Convention Center Facilities Bonds dated April 1, 1993 issued in the original amount of \$73,700,000 with outstanding maturities through 2014.

Adopted 4/30/04.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to place an insert in the June utility billing educating and encouraging City residents to plant gardens that help the eco-system and calling for nominations for the Minneapolis Blooms Award.

Adopted 4/30/04.

W&M/Budget - Your Committee, having been informed that additional services are required under the City's contract with Unisys for a Human Resource Information System (HRIS) PeopleSoft tools upgrade project, now recommends that the proper City officers be authorized to amend the Unisys Contract (C-18881) to provide for additional managed services costs up to \$136,774 for services to be initiated in 2004 and for maintenance in years 2004 through 2009; and passage of the accompanying resolution transferring funds from the Human Resources and Finance Department to the Business Information Services Department for the 2004 cost of said contract.

Adopted 4/30/04.

RESOLUTION 2004R-199

By Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) By decreasing the appropriation for the Finance Department Agency in the General Fund (0100-820-8230) by \$14,316;

b) By decreasing the appropriation for the Human Resources Agency in the General Fund (0100-815-8156) by \$14,315;

c) By increasing the appropriation for the Information and Technology Services Agency in the Intergovernmental Service Fund (6400-880-8870) by \$28,631.

Adopted 4/30/04.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Chief Information Officer to amend the following Business Information Services (BIS) Master Contracts:

a) Third Wave Partnership, increase contract limit to \$1,200,000;

b) Hollstadt & Associates, Inc. for Garth Miles, increase scope of contract by \$200,000 for a new total of \$400,000;

c) The Macro Group for Doug Haining, increase scope of contract by \$200,000 for a new total of \$400,000;

d) Third Wave Partnership for Marvin Bachmeier, increase scope of contract by \$150,000 for a new total of \$650,000;

Your Committee further recommends that the proper City officers be authorized to execute a one year extension to all existing master contracts to allow for the State of Minnesota transition in their master contract list.

Adopted 4/30/04.

Approved by Mayor Rybak 4/30/04.

(Published 5/4/04)

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #6233 from Express Messenger Systems, Inc. for an estimated expenditure of \$15,000 for transportation and delivery of voting machines and related equipment for elections as required through December 31, 2004, as indicated in Petn No 269598; and that the proper City officers be authorized to execute a contract for said services.

Adopted 4/30/04.

W&M/Budget - Your Committee, having under consideration a report from the City Attorney regarding appointed City official and employee positions for which statements of economic interest must be filed by a person holding the position, now recommends:

a) Approval of the list of City of Minneapolis positions to be subject to the statement of economic interest filing requirement pursuant to Section 15.80(a)(3) of the Minneapolis Code of Ordinances (Petr No 269597);

b) That the Director of Human Resources be authorized to make changes to said list of positions subject to the filing requirement that the Director determines are appropriate based upon the addition, elimination or transfer of positions, or changes in position responsibilities; and

c) That the Director of Human Resources be directed to submit an updated list of positions subject to the filing requirement to the City Council at its last regularly-scheduled meeting of the year, with copies of said list to also be provided to the Ethical Practices Board, the City's Ethics Officer and the Office of the City Clerk.

Adopted 4/30/04.

W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a Memorandum of Understanding (MOU) between the Minneapolis Park & Recreation Board (MPRB) and the City of Minneapolis, Office of Media Services, to provide services to the MPRB as a program scheduler on cable television and the Internet, and playback operator services. The City will provide a three-hour block of airtime for live broadcasts of the Park Board Meetings on the Government Meeting Channel 79, and the MPRB shall purchase and install necessary equipment at its facility at 2117 W River Rd. The initial term of the MOU shall be effective from July 1, 2004 through June 30, 2006, with an automatic one-year renewal period. Live meeting broadcasts shall be charged at a cost of \$160 per meeting, and live and delayed webcasting would be provided at an estimated monthly charge of \$70, as more fully set forth in Petn No 269594 on file in the Office of the City Clerk.

Adopted 4/30/04.

W&M/Budget - Your Committee recommends approval of the Communications Department Business Plan (Petr No 269594).

Zerby moved that a work group be formed consisting of members from the Communications Department, Community Planning and Economic Development Department, Community Crime Prevention/SAFE, and the Neighborhood Revitalization Program to design a strategy for community engagement that includes a two-way strategy and recommendations as to how to implement it. Seconded.

Lost. Yeas, 4, Nays, 9 as follows:

Yeas - Zimmermann, Schiff, Zerby, Benson.

Nays - Samuels, Johnson, Colvin Roy, Lilligren, Johnson Lee, Niziolek, Goodman, Lane, Ostrow.

Zerby moved to amend the Communications Department Business Plan as follows:

That the key performance measure listed on page 11 of the Communications Department Business Plan "the successful negotiation of a new franchise agreement with a cable provider that provides all or most of the following desired outcomes: partial or complete funding for an Institutional network, an increase in the Public/Educational/Government access fee per subscriber that addresses gaps identified during a needs assessment and fair compensation for excess capacity currently being utilized by Time Warner" be transferred from the Communications Department to the Finance Department. Seconded.

Lost upon a voice vote

The report was adopted 4/30/04. Yeas, 10, Nays, 7 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Ostrow.

Nays - Zimmermann, Schiff, Zerby.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by The Cornerstone Group from the decision of the Planning Commission which denied an application for variance to increase the width of a sidewalk in the front yard setback along Pleasant Ave S and Grand Ave S from 6' to 14' for the proposed 58-unit condominium development at 2848 Pleasant Ave S, 2821 and 2125 Grand Ave S; and appealing the condition added to the major site plan review prohibiting gates as part of the construction of the fence along Pleasant and Grand Aves S, now recommends that said appeals be granted and the variance approved, and that the site plan review be approved with the condition that the fence on the northern side of the property match the decorative metal fence style to be installed on Grand Ave and the gates on both Pleasant and Grand Aves.

Adopted 4/30/04.

Z&P - Your Committee concurs in the recommendations of the Planning Commission relating to applications of The Cornerstone Group (BZZ-1605) for development of a 58-unit condominium development at 2848 Pleasant Ave, 2821 and 2825 Grand Ave S, and adopting the related findings prepared by the Planning Department:

a) Granting the petition to rezone properties 2848 Pleasant Ave S and 2825 Grand Ave S from I2 to the R5 District, by passage of the accompanying ordinance amending the Zoning Code;

b) Granting the application to vacate part of the "L" shaped alley in Block 1 and 4, Excelsior Addition to Minneapolis, subject to retention of easement rights, by passage of the accompanying resolution.

Adopted 4/30/04.

Ordinance 2004-Or-048, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2848 Pleasant Ave S and 2825 Grand Ave S to the R5 District, was passed 4/30/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-048
By Schiff
1st & 2nd Readings: 4/30/04

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning districts for the following parcels of land to the R5 District, pursuant to MS 462.357:

A. That part of Lot 12, Block 4, Excelsior Addition to Minneapolis according to the recorded plat thereof, Hennepin County, Minnesota (Torrens Property); and

That part of Lot 8, Block 1, lying south of the north 15.00 feet of said Lot 8, and all of Lots 1 to 11, both inclusive, Block 4, Excelsior Addition to Minneapolis, together with that part of vacated alley in said Block 4 lying Northerly of a line drawn from the Southeast corner of Lot 7, said Block 4 to the Southwest corner of Lot 6, Block 4, and lying Southerly of a line drawn from the Northeast corner of Lot 11, said Block 4 to the Northwest corner of Lot 2, said Block 4, as vacated in Book 402 of Misc., Page 132, Book 177 of Misc. Page 353, Book 248 of Misc. Page 425 (Abstract Property); and

Also, all that part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 34, Township 29, Range 24 described as follows: Beginning at the Southeast corner of Block 4, Excelsior Addition to Minneapolis, according to the recorded plat thereof; thence South along the extension of the east line of said Block 4, to a point 100 feet North of the South line of said Northeast $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Southwest $\frac{1}{4}$; thence West parallel with said South line of Northeast $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Southwest $\frac{1}{4}$ to the intersection with extension South, of the West line of said Block 4, Excelsior Addition to Minneapolis; thence North along said extension line to the Southwest corner of said Block 4; thence East along the South line of said Block 4 to the point of beginning, according to the United States Government Survey, Hennepin County, Minnesota (Abstract Property) (2848 Pleasant Ave S and 2825 Grand Ave S – Plate 25).

Adopted 4/30/04.

Resolution 2004R-200, vacating part of the "L" shaped alley in Block 1 and 4, Excelsior Addition to Minneapolis, was passed 4/30/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-200
By Schiff

Vacating a portion of the "L-shaped" alley in Block 1 & 4, Excelsior Addition to Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the south twelve feet of the north fifteen feet of Lot 8, Block 15, Excelsior Addition to Minneapolis, according to the recorded plat thereof; and

All that portion of Lots 8 and 9, Block 1, Excelsior Addition to Minneapolis, as follows: Beginning at a point on the east line of Lot 9 distant 7 feet north of the southeast corner of Lot 9; thence south along the east lines of Lot 9 and 8 to a point three feet south of the northeast corner of Lot 8; thence westerly along a line parallel to and three feet south of the north line of Lot 8 to a point 10 feet west of the east line of Lot 8; thence running northeasterly on a straight line to the point of beginning; and

That part of the Alley in Blocks 1 and 4, Excelsior Addition to Minneapolis according to the recorded plat thereof, lying north of a line drawn from the northeast corner of Lot 11, said Block 4, to the northwest corner of Lot 2, said Block 4 and lying south of the westerly extension of the north line of the south 12

feet of Lot 6, said Block 1 to the east line of Lot 9, said Block 1, subject to retention of an easement by Qwest and Xcel Energy is hereby vacated except that such vacation shall not affect the existing authority of Qwest and Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed utilities which is described in regard to each of said corporations as follows, to wit:

An easement in favor of Qwest, over a part of the "L" shaped alley in Block 1 & 4, Excelsior Addition to Minneapolis;

An easement in favor of Xcel Energy, the east 5.00 feet of that part of the north south alley in Blocks 1 and 4, Excelsior Addition to Minneapolis, according to the recorded plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota, lying parallel with, abutting to and west of the west line of Lots 6 and 7, said Block 1; and west of the west line of Lots 1 and 2, said Block 4;

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said public alley upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 4/30/04.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Bear Creek Capital (BZZ-1442) to rezone the property at 211 and 219 – 10th Ave SE, 918 and 928 University Ave SE from R5 to the C2 District to permit development of a neighborhood pharmacy and general retail store with drive-through facility.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 4/30/04.

Ordinance 2004-Or-049, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 211 and 219 – 10th Ave SE, 918 and 928 University Ave SE to the C2 District, was passed 4/30/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-049
By Schiff
1st & 2nd Readings: 4/30/04

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 1, 2, 9, 10 and that part of Lots 3 and 8 lying southeasterly of the southeasterly right of way line of Interstate Highway No. 35 as described in final certificate document no. 1073213, all in Block 30, St. Anthony Falls, according to the recorded plan thereof, Hennepin County, MN (211 and 219 – 10th Ave SE; 918 and 928 University Ave SE - Plate 15) to the C2 District.

Adopted 4/30/04.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in denying the petition of Ron Nguyen (BZZ-1636) to rezone the property at 5841 – 28th Ave S from R1A to the R4 District

to permit convert an existing single-family dwelling unit to a three-family dwelling unit, and adopting the related findings prepared by the Planning Department.

Adopted 4/30/04.

Z&P – Your Committee, having under consideration the application of Art Mueller (BZZ-1643) to rezone the property at 1015 and 1019 – 15th Ave SE from R1A to the R3 District to permit duplexes on each lot, now recommends that said application be denied, and that the related findings prepared by the Planning Department be adopted, notwithstanding the recommendation of the Planning Commission.

Adopted 4/30/04.

Z&P – Your Committee, having under consideration the petition of Charles Cox, Jr (BZZ-1407) to rezone the property at 2605 – 2nd Ave S from R2B to the C1 District to permit a contractor's office, now recommends that said petition be granted.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 4/30/04.

Ordinance 2004-Or-050, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2605 – 2nd Ave S to the C1 District, was passed 4/30/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-050

By Schiff

1st & 2nd Readings: 4/30/04

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Corsons Addn, Lot 021, Block 001, that part lying Southerly of Northerly 5 feet (2605 – 2nd Ave S - Plate #25) to the C1 District.

Adopted 4/30/04.

Z&P – Your Committee, having under consideration a report from the Community Planning and Economic Development/Planning Division on the status of pending zoning code text amendments, now recommends approval of the recommended staff work prioritization list for 2004 and 2005, as set forth in Petn No 269599.

Adopted 4/30/04.

MOTIONS

Schiff introduced the subject matter of an Ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, which was given its first reading and referred to the Zoning & Planning Committee (To transfer duties of enforcement of the zoning ordinance from the Director of Inspections to the Zoning Administrator).

Niziolek introduced the subject matter of an Ordinance amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: In General*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending Section 385.60 relating to begging).

Samuels introduced the subject matter of an Ordinance amending Title 15, Chapter 385, of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: In General*, which was given its first reading and referred to the Public Safety and Regulatory Services Committee for a public hearing on May 17, 2004. (Amending Section 385.50 to provide for an express prohibition against loitering with the intent to solicit illegal narcotic sales, distribution, purchase or possession; to prohibit loitering in motor vehicles; to circumstances to be considered in establishing intent to violate this section; and to acknowledge a prosecutor's authority to request geographic restrictions).

Zerby moved to discharge the Ways & Means/Budget Committee from further discussion of an Ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, amending Section 20.455 relating to Severance Pay, removing the provision for severance pay for appointed employees.

Lost. Yeas, 5; Nays, 8 as follows:

Yeas - Zimmermann, Schiff, Zerby, Lilligren, Benson.

Nays - Samuels, Johnson, Colvin Roy, Johnson Lee, Niziolek, Goodman, Lane, Ostrow.

Johnson, Johnson Lee and Samuels moved to introduce the subject matter of an Ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Moratoriums*, for first reading and referral to the Zoning & Planning Committee ((Excluding housing being developed in conjunction with the Community Planning and Economic Development (CPED) for new construction of R-1 to R-4 buildings in North Minneapolis (defined as City limits to boundary of Wards 5 & 7) and establishing a waiver process)). Seconded.

Zerby moved that the above motion be postponed. Seconded.

Lost upon a voice vote.

The motion was adopted. Yeas 11; Nays, 1 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Schiff, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Ostrow.

Nays - Zimmermann.

Declining to Vote - Zerby.

RESOLUTIONS

Zerby, Ostrow, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane offered a Resolution congratulating University of Minnesota Golden Gopher Student Athletes.

Adopted 4/30/04.

(Not published. See Resolution 2004R-201 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2004R-201

**By Zerby, Ostrow, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman,
Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane**

Congratulating University of Minnesota Golden Gopher Student Athletes.

Whereas, The University of Minnesota Women's hockey team demonstrated the superiority of Minnesota hockey players as they skated their way to the 2004 national championship; and

Whereas, The University of Minnesota Women's Basketball Team slam-dunked their opposition as they rolled to the NCAA Final Four; and

Whereas, The University of Minnesota Women's Volleyball Team served their opponents rocket like spikes on their way to the Final Four; and

Whereas, University of Minnesota Men's wrestler Damion Hahn grappled his way to his second straight NCAA championship; and

Whereas, These University of Minnesota Golden Gophers have overcome challenges as both scholars and sports stars; and

Whereas, These Golden Gopher athletes exemplify the term student athlete; and

Whereas, These Golden Gopher athletes set an example for young people to admire and imitate; and

Whereas, These Golden Gopher athletes have brought glory and pride upon the University of Minnesota, City of Minneapolis and the State of Minnesota at the national level;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis congratulates these University of Minnesota Golden Gopher athletes for their tremendous accomplishments and designates Friday, April 30, 2004 as University of Minnesota student athlete day.

Adopted 4/30/04.

Colvin Roy, Schiff, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Niziolek, Benson and Lane offered a Resolution honoring Heidi Hamilton for her service to the City of Minneapolis and the State of Minnesota's first light rail transit line.

Adopted 4/30/04.

(Not published. See Resolution 2004R-202 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2004R-202

By Colvin Roy, Schiff, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Niziolek, Benson and Lane

Honoring Heidi Hamilton for her service to the City of Minneapolis and the State of Minnesota's first light rail transit line.

Whereas, for over five years, Heidi Hamilton served the citizens of Minneapolis as an exemplary engineer in the Department of Public Works; and

Whereas, beginning three years ago, Heidi was principally responsible for managing the relationship between the City of Minneapolis and the Hiawatha Project Office during the construction of Minnesota's first light rail transit line; and

Whereas, Heidi Hamilton represented and defended the City's interests throughout the extremely complicated process of planning, design, construction, and operation of the Hiawatha line; and

Whereas, throughout the different stages of the Hiawatha Light Rail project, Heidi established effective partnerships with local, regional, state, and federal levels of government; and

Whereas, Heidi Hamilton took innumerable calls from Council offices, ranging in tone from inquisitive to frantic, and always responded with poise and professionalism; and

Whereas, Heidi skillfully brokered compromises between demanding City officials and immovable LRT project leaders; and

Whereas, Heidi Hamilton has been a tremendous light rail ambassador for the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Heidi Hamilton be recognized and commended for her service and the leadership she has provided to the citizens of Minneapolis.

Be It Further Resolved that, on behalf of the residents of the City of Minneapolis, we wish Heidi Hamilton much success in the future and hope that someday she will return to work for our city.
Adopted 4/30/04.

Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane offered a Resolution proclaiming the week of May 9th to May 15th to be Police Week 2004.
Adopted 4/30/04.
(Not published. See Resolution 2004R-203 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2004R-203

**By Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren,
Schiff, Niziolek, Benson, Colvin Roy and Lane**

Proclaiming the week of May 9th to May 15th to be Police Week 2004.

Whereas, the Congress of the United States of America has designated the calendar week of each year during which May 15 occurs as "National Police Week" and May 15th of each year to be "Peace Officers' Memorial Day"; and

Whereas, it is known that every forty nine hours an American Police Officer will be killed in the line of duty somewhere in the United States, and 170 officers will be seriously assaulted in the performance of their duties, our community joins with other cities and towns to honor all peace officers everywhere;

Now, Therefore, Be It Resolved by The Minneapolis City Council of The City of Minneapolis:

That the week of May 9th to May 15th be proclaimed Police Week 2004 in the City of Minneapolis.

Be It Further Resolved that the City Council calls upon all our citizens in this community to especially honor and show our sincere appreciation for the police officers of this city by deed, remarks, and attitude. We call upon all our citizens to make every effort to express their thanks to the men and women who make it possible for us to leave our home and families in safety each day and to return to our homes knowing we are protected by men and women willing to sacrifice their lives, if necessary, to guard our loved ones, property, and government against all who would violate the law.

Adopted 4/30/04.

Schiff offered a Resolution honoring the Coexistence Art Exhibition.

Adopted 4/30/04.

(Not published. See Resolution 2004R-204 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2004R-204

By Schiff

Honoring the Coexistence Art Exhibition.

Whereas, the University of Minnesota and College of Liberal Arts play a critically important role in the education and enlightenment of the people of Minnesota and the City of Minneapolis; and

Whereas, the University of Minnesota and College of Liberal Arts, working with Museum on the Seam from Jerusalem has been working with the City of Minneapolis to bring the large outdoor traveling exhibition Coexistence to City Hall during the period May 1-30, 2004; and

Whereas, the message of Coexistence is the opportunity to create a dialogue in public space through art about how Americans maintain a civil society with high regard for multiculturalism which has made our society great; and

Whereas, the Coexistence project has been provided with financial support from the University of Minnesota, the College of Liberal Arts, Regis Foundation and Allianz Life Insurance Company, as well as other funders; and

Whereas, the exhibition Coexistence will be prefaced with programs in the community and at the University of Minnesota dealing with related issues; and

Whereas, all citizens can make a difference by entering into dialogue about the richness of the diversity of the population of the City of Minneapolis, a concern for those who have been victims of prejudice and the search for solutions to higher levels of Coexistence;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That May, 2004 is Coexistence Month in the City of Minneapolis.

Adopted 4/30/04.

Schiff offered a Resolution honoring the 30th Annual May Day Parade & Festival and In the Heart of the Beast Puppet & Mask Theatre.

Adopted 4/30/04.

(Not published. See Resolution 2004R-205 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2004R-205

By Schiff

Honoring the 30th Annual May Day Parade & Festival and In the Heart of the Beast Puppet & Mask Theatre.

Whereas, Sunday, May 2nd will mark the 30th year that In the Heart of the Beast Puppet and Mask Theatre has produced the May Day Parade and Festival; and

Whereas, the May Day Parade and Festival began under the leadership of Sandy Spieler with a small band of people, a couple of puppets and two accordions and has grown into an event that thousands participate in and tens of thousands attend to welcome the arrival of spring; and

Whereas, the May Day Parade and Festival is recognized as a neighborhood and city institution, with wacky and wonderful parade puppets, bands and the Tree of Life ceremony, which calls forth our wish for a world where we defeat our shortcomings and learn to live in harmony with ourselves, our neighbors, and the natural world; and

Whereas, the roots of May Day extend deep into the fabric of the community and the May Day Parade and Festival is celebrated no matter what is happening in the world; and

Whereas, the May Day Parade and Festival demonstrates real democracy in action, bringing together people of all backgrounds, ages and races to work together;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That May 2, 2004, be proclaimed as May Day Parade & Festival Day in the City of Minneapolis.

Be It Further Resolved that we recognize the contributions to the City of Minneapolis of the May Day Parade and Festival, In the Heart of the Beast Puppet and Mask Theatre, Kathee Foran, and look forward to the next 30 years of the May Day Parade and Festival.

Adopted 4/30/04.

Lilligren, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Schiff, Niziolek, Benson, Colvin Roy and Lane offered a Resolution recognizing May as American Indian Month with a kickoff event on Monday, May 3, 2004.

Adopted 4/30/04.

(Not published. See Resolution 2004R-206 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2004R-206

By Lilligren, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Schiff, Niziolek, Benson, Colvin Roy and Lane

Recognizing and supporting May 2004 as American Indian Month in the City of Minneapolis.

Whereas, the American Indian community is a vital part of Minneapolis' population; and

Whereas, American Indians have long contributed to the life, culture and economy of the City of Minneapolis; and

Whereas, both American Indian leaders and City leaders continue to strive for improved relationships in our community as seen with the Memorandum of Understanding agreement between the Metro Urban Indian Directors and the City of Minneapolis; and

Whereas, the large and vibrant American Indian community convened last November at the American Indian Summit, sponsored by the City's Department of Civil Rights, brought forth meaningful recommendations; and

Whereas, the State of Minnesota's Indigenous People, the American Indians, will showcase their proud heritage and growing successes with a variety of celebrations during the month of May; and

Whereas, these celebrations shall take place in the form of feasts, cultural events, storytelling, open houses and pow-wows in the City of Minneapolis and surrounding areas;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council of the City of Minneapolis recognizes and supports May 2004 as American Indian Month in the City of Minneapolis and encourages all communities to join the American Indian Community in celebration.

Adopted 4/30/04.

UNFINISHED BUSINESS

Replacement of Natural Gas Main (Bryant Av & 7th St): Authorize payment of \$35,437.27 to CenterPoint (Minnegasco) for damage caused by City crews:

T&PW - Approval.

W&M/Budget - Sent forward without recommendation.

(Postponed 10/24/03, T&PW & W&M/Budget)

Spincycle Coin Laundry (2937 Dupont Av S): Sent forward without recommendation application for Laundry License. (Postponed 2/13/04, PS&RS)

By unanimous consent, the above two items continued to be postponed.

NEW BUSINESS

Lilligren moved to adjourn to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the *Jessica Streich vs. Jeffrey Boeltl, et al.* lawsuit. Seconded.

Adopted upon a voice vote.

Room 315 City Hall

Minneapolis, Minnesota

April 30, 2004 - 11:29 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Samuels, Johnson, Schiff, Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Ostrow.

Absent - Colvin Roy, Zimmermann, Johnson Lee.

Also present - Peter Ginder, Deputy City Attorney; Lynne Fundingsland, Assistant City Attorney; Merry Keefe, City Clerk; Erik Takeshita and Peter Wagenius, Mayor's Office; Jan Hrcir, City Clerk's Office.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Jessica Streich vs. Jeffrey Boeltl, et al.* lawsuit.

Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

The meeting was closed at 11:30 a.m.

Fundingsland summarized the *Jessica Streich vs. Jeffrey Boeltl, et al.* lawsuit from 11:30 a.m. to 11:42 a.m.

Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Johnson moved that the City Council authorize the City Attorney to take all necessary actions including but not limited to executing all appropriate documents to settle the matter of *Jessica Streich vs. Jeffrey Boeltl, et al.*, by payment of \$235,000, payable to Jessica Streich and her attorney Robert Bennett of the law firm of Flynn, Gaskins & Bennett, from Fund/Org 6900-150-1500-4000. Seconded.

Adopted 4/30/04.

Absent - Colvin Roy, Zimmermann, Johnson Lee.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

Merry Keefe,
City Clerk.

Unofficial Posting: 05/04/2004

Official Posting: 05/07/2004

Correction: 05/17/2004

06/30/2004